

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

The Ground Round Independent  
Owners Cooperative, LLC

Plaintiff

CIVIL ACTION

NO. 05-CV-10780 NMG

V.

Charles Whitman a/k/a Chuck Whitman,  
CTW Development Corporation,  
Restaurant Concepts Unlimited Corporation

Defendant

NOTICE OF DEFAULT

The Ground Round Independent  
Upon application of the Plaintiff, Owners Cooperative, LLC for an  
order of Default for failure of the Defendant, CTW Development Corporation  
, to plead or otherwise defend as provided by Rule 55(a) of the Federal  
Rules of Civil Procedure, notice is hereby given that the Defendant has been  
defaulted this 13th day of May, 2005.

SARAH A. THORNTON  
CLERK OF COURT

By: \_\_\_\_\_  
**Deputy Clerk**

Notice mailed to: CTW Development Corporation  
c/o Matthew C. Giannini, Esq.  
1040 South Commons Place  
Suite 200  
Youngstown, OH 44514

(Default Notice.wpd - 3/7/2005)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT  
OWNERS COOPERATIVE, LLC,

*Plaintiff,*

- VS. -

CHARLES WHITMAN a.k.a. Chuck Whitman,  
C.T.W. DEVELOPMENT CORPORATION,  
RESTAURANT CONCEPTS UNLIMITED  
CORPORATION,

*Defendants.*

Civil Action No.: 05-CV-10780-NMG

**PLAINTIFFS' APPLICATION FOR ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANT C.T.W. DEVELOPMENT CORPORATION PURSUANT TO  
RULE 55(A)**

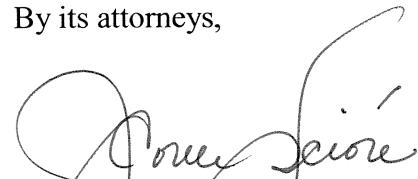
I, Juan Alexander Concepción, attorney for plaintiff The Ground Round Independent Owners Cooperative, LLC (“IOC”), state that the summons and complaint were served on defendant C.T.W. Development Corporation on April 22, 2005, as appears from the process server’s return and that defendant failed to serve an answer or responsive pleading upon me or file any pleading in Court within the time prescribed by law. A true and accurate copy of process server’s return is attached hereto as Exhibit A.

WHEREFORE, plaintiff IOC requests that defendant C.T.W. Development Corporation be defaulted pursuant to Fed. R. Civ. P. 55(a).

Signed under penalties of perjury.

THE GROUND ROUND INDEPENDENT  
OWNERS COOPERATIVE, LLC,

By its attorneys,

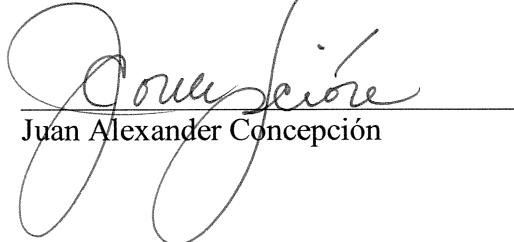
  
Juan Alexander Concepción, BBO No.658908  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110-2131  
(617) 345-1000

Craig R. Tractenberg, Esq. (PA I.D. No. 34636)  
(Admission *Pro Hac Vice* to be filed)  
NIXON PEABODY LLP  
1818 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 246-3525

Dated: May 13, 2005

**Certificate of Service**

I, Juan Alexander Concepción, hereby certify that a true copy of the above document was served upon CTW Development Corporation, c/o Matthew C. Giannini, Esq., 1040 South Commons Place, Suite 200, Youngstown, OH 44514 by certified mail on May 13, 2005.



Juan Alexander Concepción

## UNITED STATES DISTRICT COURT

District of Massachusetts CLERK'S OFFICEThe Ground Round Independent  
Owners Cooperative, LLC2005 MAY 3 P.M.  
SUMMONS IN A CIVIL CASE

V.

Charles Whitman a/k/a Chuck Whitman,  
CTW Development Corporation,  
Restaurant Concepts Unlimited  
CorporationU.S. DISTRICT COURT  
DISTRICT OF MASS.

CASE NUMBER:

**COPY**

05 10780 NMG

TO: (Name and address of Defendant)

CTW Development Corporation  
945 Windham Court, Suite 5  
Boardman, OH 44512

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Juan A. Concepcion  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

(By) DEPUTY CLERK



DATE

4-19-05

## RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

April 22, 2005 1:00 PM

NAME OF SERVER (PRINT)

Richard S. Fabian

TITLE

Process Server

Check one box below to indicate appropriate method of service

 Served personally upon the third-party defendant. Place where served: \_\_\_\_\_ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

 Returned unexecuted: \_\_\_\_\_ Other (specify): Left at the law office of Matthew Giannini, 1040 South Commons Place, Suite 200, Youngstown, Ohio 44514 who is CTM Development Corporation's statutory agent.

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/22/05

Date

Signature of Server

Richard S. Fabian  
174 North Park Ave., Suite 3  
Warren, Ohio 44481

Address of Server